

THAW JURY DISAGREES; WILL BE TRIED AGAIN

After Forty-Eight Hours' Deliberation Jury in Case Which Has Cost New York State Enormous Sum of Money, Reports to Court That It Is Unable to Agree—Final Ballot Is 7 For Conviction of Murder in First Degree and 5 For Acquittal on Ground of Insanity.

Delmas Made Monumental Mistake By His "Dementia Americana" According to Other Counsel—Jerome Will Again Try Defendant For Offense, But Says He Must Take His Turn Just As Any Other Prisoner Now Being Held on Charge of Murder.

NEW YORK, April 12.—Hopelessly divided—seven for a verdict of guilty of murder in the first degree, and five for acquittal—the jury which has since January 23 been trying Thaw, reported that after forty-eight hours and eight minutes of deliberation, they could not possibly agree on a verdict. The twelve men were promptly discharged by Judge Fitzgerald, who declared that he had to believe their task was hopeless.

Thaw was remanded to the Tombs without bail to await his second trial on the charge of having slain Stanford White. When the new trial will be, no one connected with the case tonight would express an opinion, but some declared that many other persons accused of homicide are awaiting trial, and Thaw would have to take his turn with the rest.

As to a possible change of venue both the district attorney and counsel for Thaw declared they would make no such move. Thaw's attorneys will have a conference tomorrow with the prisoner to decide on the next step. They may make an early application for bail. Jerome said he would strenuously oppose it. He added the belief that as seven jurors had voted for "guilty" his opposition probably would be successful in that event.

Thaw has another long summer before him in the city prison, because his case on the crowded criminal calendar can not possibly be reached until some time next fall.

The scenes attending the announcement by the jury of its inability to agree were robbed of any theatricalism by the general opinion that after long deliberation the jurors could make no other report than one of disagreement. The jury was surrounded by the members of his family received the news in absolute silence. When it became known that the jury was able to make its report, Thaw called his wife to a seat by his side and sat with his right arm thrown around her until he was ordered to stand and face the jurors. Smiling and confident he faced the court, but sank into his chair when Foreman Dennis B. Smith in response to the question by the clerk as to the verdict and if it had been agreed on said: "We have not."

His mother, heretofore hidden behind a dense veil of black, sat stolid and motionless. In all health of late, she had felt severely the strain and stress of the long hours of anxious waiting. The wife gripped her husband's hand tightly as the jury foreman spoke, and then when he sank down by her side she tried to cheer him as best she could by saying that she believed he would now be admitted to bail and that the second jury would surely set him free.

NEW YORK, April 12.—The mother, sisters and brothers, pale and well nigh exhausted by their tedious nerve-racking wait for a verdict, were permitted to speak with Thaw for a few moments to bid him be of good cheer, before he crossed the "bridge" to the cell which, until a few minutes before, he had hoped that he was about to quit forever.

Outside the Criminal Courts building only a few hundred persons gathered. Thousands of others were crowded in the day, but police reinforcements had arrived with instructions to keep everyone moving and they soon tired the idle and curious into a willingness to depart.

The courtroom itself was half empty. Only newspapermen and court attaches and a few favored friends were allowed to enter to hear the verdict, and gave strict orders against this.

It was 4:25 p. m. when the jury filed into the courtroom. Thaw had been waiting for the summons ever since 10 o'clock this morning. He felt that today would bring the crisis and that a verdict would be reached, or Justice Fitzgerald would discharge the jurors from further consideration of the case. This was the general belief.

Early in the day Thaw had given out another statement, in which he said he desired that his fate should be judged on the "written laws of the state of New York." He declared that he believed the evidence adduced had convinced even Jerome of his innocence under the strict letter of the law.

Delmas was not in court today. Clifford W. Harridge, attorney of record, and the warm personal friend of Thaw, gave out the following statement to the Associated Press:

"Thaw has already expressed himself desirous of a trial under and in accordance with the laws of New York. I can add nothing to that, except that I entirely agree with him in hoping that we shall have a new trial speedily, and that the next time it will not be necessary for the presiding judge to have to charge the jury that we are living in a civilized community."

It was said that Mr. O'Reilly would have a leading part in the future conduct of affairs for Thaw.

The story of the proceedings in the jury room, as learned tonight, far outlived in interest the brief court proceedings which brought the famous trial to a close. It developed that the jury had considered everything connected with the case except the "unwritten law," and passing judgment entirely on the evidence, they voted eight for or against murder in the first degree when they cast the first ballot. The first was 8 to 4 in favor of conviction. Then the jury tried to reach a common ground on a verdict of manslaughter in the first degree, but failed. The next ballot was 7 to 5 in favor of acquittal. The men in favor of acquittal—largely on the ground of insanity it is reported—would not change the ballot, and in the end won over to their side one who favored conviction. During the 48 hours of deliberation only eight ballots were cast. The jury spent the two night sessions dozing in their chairs.

The jury room was told by one of the jurors, Henry C. Harney. The final ballot taken just before the jury reached a disagreement in the vote was as follows: For conviction of murder in the first degree, Dennis B. Smith, foreman; George Pfaff, Charles H. Feck, Harry C. Brearley, Charles D. Newton, Joseph Bolton and Bernard Gerst; and for acquittal on the ground of insanity, Oscar A. Pink, Henry C. Harney, McJannet S. Fraser, Wilbur F. Steele and John S. Denne.

Harney said: "About ten minutes after we reached the jury room we took the first ballot. Thirty minutes elapsed before the second ballot was taken. Then there was a third ballot, and the third ballot was taken at 9:45; there was no change, but there was considerable discussion among the men. Most of the night hours were spent in sleep and no ballot was taken until 4:30 on Thursday morning. There were several hours after the jury had appealed for the reading of the testimony given by eye witnesses to the tragedy. The fourth ballot marked one change. The twelfth juror changed his vote from murder in the first degree to manslaughter. About twenty hours later the fifth ballot was taken and this showed a decided change on the part of the jurors who voted for conviction. The four jurors who voted for acquittal had succeeded in winning over Denne. The sixth vote at 8:25 Thursday night remained unchanged. There was no change in the ballot until 12:30 in the afternoon, when all of the jurors showed they were of the same mind, except Brearley, who in addition to voting for manslaughter in the first degree, added that the defendant should be recommended to the mercy of the court. "The eighth ballot was taken at 4:25 this afternoon and showed a most remarkable change in the jury. The five men who voted for absolute acquittal, changed their ballots to not guilty on the ground of insanity, in the hope of winning over their colleagues, but the remainder of the jury, all of whom, with the exception of George Pfaff, had voted for a verdict of manslaughter, made up their minds that Thaw was guilty of murder in the first degree and voted accordingly. This practically ended the deliberations of the jury. Arriving at the conclusion that they could never agree, they asked to be discharged. It will be noticed that the only man who voted consistently according to his first opinion was George Pfaff, who, from his first ballot, adhered to the belief that Thaw was guilty of murder in the first degree. "The sessions were not altogether pleasant or peaceful. There were many arguments and at one time charges of inconsistency and a lack of faith in the orders of the court were made."

STANDARD OIL MUST GO.

Judge Landis Rules That Company Must Face Jury.

CHICAGO, April 12.—Final motions to quash the indictments as a whole against the Standard Oil Company, were overruled today. Judge Landis stated that he had concluded that 439 counts were bad and these he ruled out, leaving 1,463 to go to the jury. Attorney Rosenthal then moved that the prosecution be instructed to signify on which of the 1,463 counts the government will try its case. Judge Landis refused to consider the matter at this time. District Attorney Sims then began his argument.

ENORMOUS LOSS BY FIRE.

Cotton Compress Is Destroyed with All Its Contents.

CHICKASHA, I. T., April 12.—A cotton compress of the Traders Compress Company, with its contents of fourteen thousand bales of cotton was destroyed by fire today, causing a loss estimated at between \$650,000 and \$700,000. The loss is fully covered by insurance. The compress was owned by N. H. Anderson of Fort Worth, Texas and R. K. Wootch and T. M. Fort of this city. The flames were fanned by a strong wind and the town was only saved from destruction by citizens helping to fight the fire.

DIRECTOR RESIGNS.

D. O. Mills Leaves Directorship of the Southern Pacific and Erie.

NEW YORK, April 12.—The resignation of D. O. Mills, as director of the Southern Pacific and Erie railroads, was announced today. At Mills' office it was said that he had been ill of the grippe for two weeks and that he simply desires to be relieved of some of his directorships. It was stated that he is not a large stockholder in either of the companies. W. B. Cutting, of New York, was elected a director of the Southern Pacific to succeed Mr. Mills. The directors re-elected President Harriman and all other officers of the company.

CREMATED VICTIM FOUND.

Body of Man Burned Alive in San Francisco Fire Is Discovered.

SAN FRANCISCO, April 12.—The remains of John Bowers, a victim of the great fire of April 18, last, was discovered today by workmen, who were clearing away the debris on Stevenson street. Bowers was pinned alive under the beams of the building in which he was sleeping on the morning of the earthquake. He was conscious but could not be extricated. As the flames approached he was given a bottle from which he drank freely before he was burned to death.

WOULD BOYCOTT AMERICANS

Member of Reichstag Takes Exception to Our Tariff.

BERLIN, April 12.—During a discussion in the budget committee of the Reichstag today of the appropriation to purchase typewriting machines for military authorities, Mr. Suemum, a Socialist, introduced a motion providing for the exclusion of American machines, "because of the prohibitive effect of the American customs duties on certain German goods." Herr Paasche, a National Labor representative and first vice president of the Reichstag, supported the motion.

BUTTE INSURED PEACE.

Machinists and Their Workers Sign Agreement for Five Years.

HELENA, Mont., April 12.—A special from Great Falls, says the machinists, electrical workers and blacksmiths, unions whose strike early this week tied up the smelters of the Boston and Montana and Amalgamated Copper companies of Butte, today signed a five-year sliding scale contract and all resumed work. The settlement is on the same basis that was reached in Butte between the employers, the union and the smelters. It insures industrial peace in the Montana mining world for five years.

STRIKE DUE IN CANADA.

Coal Miners Present Demands to Owners in British Columbia.

VANCOUVER, B. C., April 12.—What is probably the beginning of another strike in the coal mines of British Columbia, occurred yesterday. The miners of Fernie demanded a 10 per cent increase and an eight-hour day for the province of Alberta. The strike will probably commence Monday morning.

CABINET WILL RESIGN.

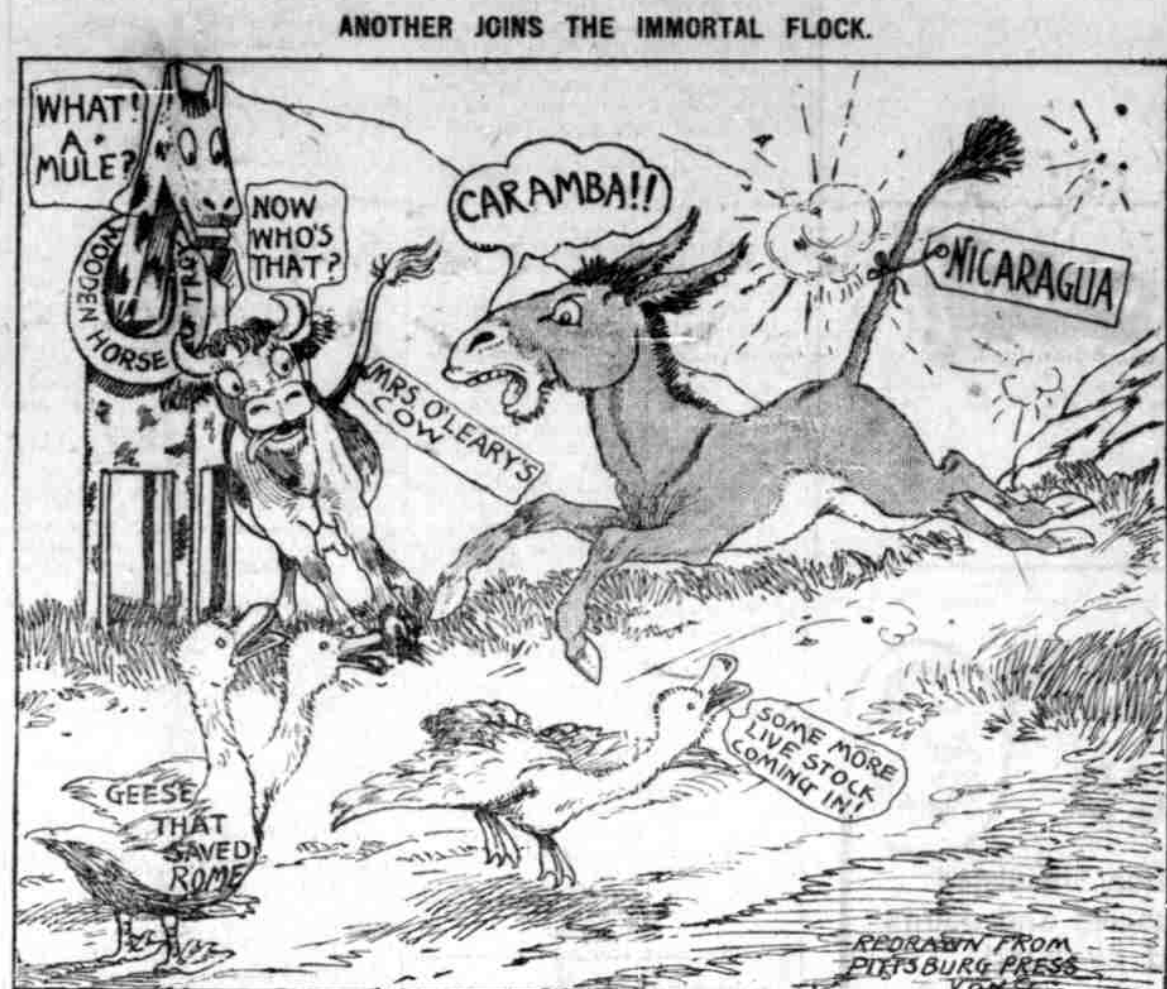
Belgium Ministry Expected to Hand in Resignations.

BRUSSELS, April 12.—The ministerial crisis is again critical. It is expected that the resignations of the cabinet will be announced tomorrow, through the premier.

BALLOON TRAVELS FAST.

German Aeronaut Covers 812 Miles in Short Space of 12 Hours.

LONDON, April 12.—Two German aeronauts, Dr. Wagner and Adolph Kolch, descended in a balloon today at Boderby, near Leipzig. The balloon had covered 812 miles in twelve hours.



Official correspondence shows that it was a dispute over a mule that started the war between Nicaragua and Honduras. The Nicaragua mule will therefore take its place with the other famous live stock makers of history. —Pittsburgh Press.

HENEY ADVISES SUPPRESSION OF GRAFT

Brilliant Prosecutor in Talk to Students Urges Them to Great Battle of Right Against Wrong.

BERKELEY, Cal., April 12.—Francis J. Heney addressed two thousand students and prominent citizens of Alameda county in the Parmson gymnasium of the University of California today. He exhorted the university men to fighting men, to fight from the time they leave the university till the time they lie down to die, the great battles of right and wrong.

He said he was "fired out" of the university at Berkeley twenty-eight years ago by the faculty, although he was sorry to say "fired" for fighting with strangers. Sequel to that affair to him, was the fact that he was now called back to the university by invitation of the president to address the students because of the reputation he had gained as a fighting man.

"We are fighting men in the ordinary sense of the word at the present time. What we fight for are principles. If I thought we were fighting to put men in jail it would be a waste of time. I am not fighting Abraham Ruef, but I am fighting the conditions under which he operated. "When you hear that all the trouble in San Francisco has been due to labor or unions, you can put that statement down to ignorance. It can be safely said in San Francisco at the present time there are but 4,000 people unemployed. It is a very small number. You are actually possessed of the knowledge of what is going on behind the scenes.

ENGLAND'S ANTI-TIP LAW.

Heavy Penalty for Bribing a Railway Carter to Deliver Parcels.

LONDON, April 12.—The first case under the new prevention of corruption act came up in Manchester yesterday. A clerk in a clothes merchant's firm was prosecuted by the Lancashire and Yorkshire Railway for bribing their carter to deliver several parcels to a firm of customers. The bribe in one instance was three pence and in another a shilling.

Counsel for the railroad company said the customers lived where the carter did not need to go. Counsel for the defense simply pleaded the custom of taking such bribes.

The Magistrate pointed out that a law had been passed for the very purpose of preventing such customs, but as this was the first case he would let the prisoner go with a light fine of \$5 plus the ordinary costs and plus \$52.50 for special costs.

WEATHER BULLETIN.

WASHINGTON, April 12.—Arizona: Fair-Saturday and Sunday.

MONEY AND METAL MARKET.

NEW YORK, April 12.—Bar silver, 63 5/8; Mexican dollars, 50 1/2 cents.

ANOTHER JOINS THE IMMORTAL FLOCK.



Official correspondence shows that it was a dispute over a mule that started the war between Nicaragua and Honduras. The Nicaragua mule will therefore take its place with the other famous live stock makers of history. —Pittsburgh Press.

GOV'S SECRETARY IS VISITOR TO DISTRICT

Sims Ely Looks Over the Local Situation From All Sides and Advises Discontinuance of Threats By Union Men.

Mr. Sims Ely, private secretary to Governor Kibbey, arrived in Bisbee yesterday morning. He is here as the personal representative of the governor, to inquire into the strike situation. Yesterday he made a thorough investigation of both sides to the question, visiting the mine managers and the union organizers during the course of the day, and also mingling with the strikers on the streets, quietly listening to the conversations. Mr. Ely is an old newspaper man and has a quiet and easy way of moving around and finding out what is going on. Mr. Ely will leave this morning for Phoenix and from what he learned of the situation in Bisbee he will report in person to the governor.

When seen at the Copper Queen hotel last evening and asked for an interview on the strike situation in Bisbee as he saw it, Mr. Ely said: "Being in southern Arizona, I came to Bisbee today, at the request of Governor Kibbey, to look over the strike situation.

"The strike is regrettable, from every viewpoint. Aside from the operating companies and the workingmen involved, the interests of hundreds of others—citizens and business men in no way connected with the controversy—are directly involved. This is one of the unfortunate features of every strike—the great public, which has no voice in the affair, is compelled to suffer.

"The territorial government, however, has to concern itself only with the question of public order. With any questions that may be at issue between the operators and the striking miners, the government has nothing to do. But it is of the utmost importance that public order shall be preserved. I am glad to learn from Mr. Cannon, who I understand is the strike leader, that the striking men propose to be orderly and lawabiding, and that he will not tolerate law-breaking. I went freely among the strikers, without making myself known, and heard them talking among themselves and to the men who remain at work, and I heard no threats of violence.

"I noted two unpleasant features of significance. I heard a few of the men who were quietly going or coming from their work addressed as 'cabs,' and I heard many of them told that if they continued to work they would find all other mining camps closed against them. If such language is persisted in it may easily lead to trouble, and I hope this matter will have the attention of the strike leaders, and that they will issue orders to such language.

"All persons concerned must remember that men who are peaceably at work are in each case strictly within their rights. Men have a right to strike, and they have a right to persuade others to join them. If they can, that right does not carry with it the right to coerce, intimidate, or molest in the slightest degree any man who chooses to remain at work. "One of the dearest rights of the American citizen is to honest labor—to sell that labor when, where, and how he chooses—and to remain at that labor as long as he chooses. "I wish to emphasize this fact, for it is often overlooked by men who do not mean to transgress the law. "The duties of the government in relation to a strike are clear. These

RUEF'S ATTORNEY ACQUITTED BY COURT

Shortridge Is Absolved of Jail Sentence By Supreme Court on Ground of a Technical Error in Ruling of Dunne.

SAN FRANCISCO, April 12.—The district court of appeals freed Attorney Samuel M. Shortridge from the contempt order and jail sentence imposed by Judge Dunne. Justice McFarland also announced that the supreme court will not make known before Monday its decision in Ruef's application for a release by habeas corpus from the custody of Elisor Bigsby.

Judge Dunne reiterated his total lack of confidence in the sheriff and coroner to honestly summons a fresh venire of takersmen to complete Ruef's trial panel, and adjourned until next Monday to give the defense an opportunity to present counter affidavits in support of its objection.

These were today's developments in the bribery-graft investigation. No session of the grand jury was held.

Attorney Shortridge, who was last night no estimate could be obtained of the exact number of men from the different shafts which the union claims to have influenced to walk out.

The day was quiet, the crowds about the streets seemed to have been thinned by the outgoing men who have laid off and are bound for other camps. Yesterday morning the Federation issued Bulletin No. 1, in which it appeals to the miners not to have gone out to remain out, and takes occasion to discredit the Review for its statements of conditions as they appear to exist in the camp. In the circular the men are urged to refrain from noise, some conduct and to refrain from becoming intoxicated. It announces that any member of the union found drunk or disorderly in the streets will be fined \$10 for the offense.

Last night a street meeting of miners was addressed by Secretary Cannon and Organizer Bewling. The trend of Cannon's talk being to add to the attempt to discredit the printed accounts of the situation, while Rawlin devoted his time to bolstering up the courage of the strikers and lending the assurance that the strike would be won with patience and quiet demonstration.

Throughout the city uncertainty in business prevails and merchants are retrenching, cancellation of former heavy orders being the rule. It is understood that committee from the union will visit the local merchants today and endeavor to get a signed statement of sympathy toward union in the fight. Dreamers of the union deny that any such attempt will be adopted.

It is said on good authority that "Mother" Jones, the noted female orator and strike agitator, who spoke on the streets of Bisbee two months ago, will be in Bisbee and throw herself into the legal fight with a view of aiding the union.

UNCLE SAM BUYS SILVER.

WASHINGTON, April 12.—The treasury department today purchased 200,000 ounces of silver at 66.952 cents per fine ounce. One hundred thousand ounces to go to San Francisco, the remainder to New Orleans.

duties are: To protect life and property, to preserve order, to protect men in their right to go peacefully on strike and remain on strike as long as they please, and to protect completely every man who wishes to work.

SITUATION IS PRACTICALLY UNCHANGED

Estimated That 1200 Men Are Out of Work in District—Counting Union Members and Those Undecided.

Federation Indulges In Attack on Review for Printing Facts—Street Meeting Is Held. Organizer Counsels Peace.

The third day of the strike of some of the miners of the Warren district, inaugurated on the morning of the ninth, by order of Bisbee Local 106, resulted in practically no change in the situation, with the exception that sixty or seventy new men made their appearance at the Copper Queen and C. & A. shafts and were put to work. The Copper Queen reports fifty new men at their various shafts. The Calumet & Arizona and Superior & Pittsburgh reports six or seven each. At the Copper Queen paymaster's office yesterday it was stated that forty men who had quit work during the past three days called at the office and requested their time. At the Calumet & Arizona office it was stated that eighteen men had been paid off during the day. The number of men who have quit and drawn their April time for the past three days is as follows:

Copper Queen	373
Calumet & Arizona	102
Superior & Pittsburgh	88
Shattuck & Arizona	44
Denn-Arizona	20

Total 627
From all sources of information and making allowances for under-estimates and exaggeration, the Review estimates that the number of men who are out in the district as a result of the strike is approximately thirty per cent of the number of men ordinarily at work in the district.

The action of the employed mechanics at the meeting held at Tammany Hall Thursday night, at a unanimous vote a resolution was adopted against leaving their positions, has been a strong factor in moulding public sentiment against the strike.

When the mechanics appeared at work this morning as usual it was evident that their action had been unanimous on the night previous, and all shafts were operating as usual, with the exception of the Home shaft, where shifing has been discontinued for the present, and at the L. S. & P. shaft, where only the day shift is at work.

Both of the large employing companies reported last night that a few men, who had been laying off since the ninth last, had returned to work yesterday and the indications were that more would return to work tomorrow. At Western Federation headquarters last night no estimate could be obtained of the exact number of men from the different shafts which the union claims to have influenced to walk out.

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COSSACKS IN U. S.

Soldiers of Czar Are Here on Their Way Home.

SAN FRANCISCO, April 12.—Six Cossacks, ex-prisoners of war of the Japanese during the recent troubles in the far east, reached here on the steamer Korea this morning on their way to their homes. They were captured some time ago, two officers and four men, and not released until quite recently. They will remain in the city for a short time on their way back to their native land.